



United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

July 15, 2019

EX PARTE and UNDER SEAL

BY EMAIL and HAND

The Honorable William H. Pauley III
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: United States v. Michael Cohen, 18 Cr. 602 (WHP)

Dear Judge Pauley:

Pursuant to the Court's February 7, 2019 opinion and order (the "Order") and May 21, 2019 order, the Government respectfully submits this sealed, *ex parte* status report explaining the need for continued redaction of the materials subject to the Order. (See Order at 30).

By way of background, several media organizations filed a request to unseal the affidavits, warrants, and riders associated with several different searches that were conducted in connection with a grand jury investigation into Michael Cohen and others (the "Materials"). The Government opposed that request, citing the need to protect an ongoing investigation and the personal privacy of certain individuals named in the Materials. On February 7, 2019, this Court granted the motion in part and denied it in part. Although the Court directed that certain parts of the Materials be unsealed (with limited redactions to protect privacy interests), the Court denied the motion to unseal all of the Materials. Relevant here, the Court held that "the portions of the Materials relating to Cohen's campaign finance crimes shall be redacted" to protect the ongoing law enforcement investigation. (Order at 11). On May 21, 2019, after receiving a status update from the Government on the need for continued sealing, the Court issued an order permitting continued sealing of the campaign finance portions of the Materials to protect an ongoing investigation, and directed that the Government provide another update by this date.

The Government is no longer seeking to maintain the campaign finance portions of the Materials under seal in order to protect an ongoing investigation.¹ However, while the majority of

¹ The Government has effectively concluded its investigations of (1) who, besides Michael Cohen, was involved in and may be criminally liable for the two campaign finance violations to which Cohen pled guilty [REDACTED]; and (2) whether certain individuals, [REDACTED] [REDACTED], made false statements, gave false testimony or otherwise obstructed justice in connection with this investigation [REDACTED]

the campaign finance portions of the Materials can now be unsealed, the Government respectfully submits that some redactions should be maintained in order to protect the personal privacy of certain individuals. In particular, consistent with the Court's prior Order, the Government seeks to redact references to individuals who are either (1) "peripheral characters" for whom the Materials raise little discernable inference of criminal conduct" but who "may nonetheless be 'stigmatized'" by their inclusion in the Materials; or (2) people "around Cohen from which the public might infer criminal complicity." (Order at 14). However, while most references to such individuals are redacted, the Government does not seek to redact references to those individuals that are either (a) facts that have been publicly confirmed, either by the individual in public statements or the Government in public filings; or (b) facts sourced from publicly available materials. (*See* Order at 15 ("Shielding third parties from unwanted attention arising from an issue that is already public knowledge is not a sufficiently compelling reason to justify withholding judicial documents from public scrutiny.")).

Together with this letter, the Government has transmitted a copy of one of the search warrant affidavits with the proposed redactions marked. *See* Ex. A, at 38-57, 66-67, 71, 73-74, 83-101. (The proposed redactions also include the privacy-based redactions previously authorized in the bank and tax portions of the Materials.) The Government respectfully requests that the Court approve these redactions, and will submit corresponding redactions to the other affidavits (which are substantially similar to the attached affidavit) once the Court has ruled on these proposed redactions.

Respectfully submitted,

AUDREY STRAUSS
Attorney for the United States,
Acting Under Authority Conferred by
28 U.S.C. § 515

By: 
Thomas McKay / Nicolas Roos
Assistant United States Attorneys
(212) 637-2200

cc: Counsel of Record (by ECF)